

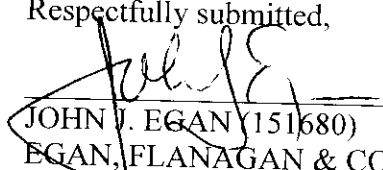
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DONALD C. HUTCHINS,)	Civil Action 04-30126-MAP
)	
Plaintiff,)	Judge Michael A. Ponsor
)	
v.)	
)	
CARDIAC SCIENCE, INC., et al.,)	
)	
Defendants.)	

**DEFENDANT COMPLIENT CORPORATION'S MOTION TO DISMISS
AMENDED COMPLAINT FOR FAILURE OF SERVICE OF PROCESS**

Defendant Compliant Corporation ("Compliant") hereby moves this Court, pursuant to Rule 4 of the Federal Rules of Civil Procedure, for an Order dismissing the Amended Complaint of Plaintiff Donald C. Hutchins ("Hutchins"), as to the claims brought against Compliant. As more fully explained in the attached memorandum, which is incorporated herein by reference, Hutchins failed to obtain sufficient service of process against Compliant as proscribed by Fed. R. Civ. P. 4. Therefore, this Court cannot exercise jurisdiction over Compliant, and Compliant is entitled to an order of dismissal in regard to the claims alleged in the Amended Complaint.

Respectfully submitted,


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I certify that a true copy of the above document
was served upon (each party appearing pro se and)
the attorney of record for each other party by

mail (by hand on 2/3/05


Attorney